

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. (A). No. 873 of 2017

Sahil Masih S/o Sanjay Masih Aged About 26 Years R/o
Village Ganeshpur, Police Station - Simga District Baloda
Bazaar (Bhatapara) Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The S H O Police Station
Simga, District Baloda Bazaar (Bhatapara) Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Atanu Ghosh, Advocate
For Respondent/State	:	Mr. N.K. Mehta, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05.01.2018

1. Apprehending arrest in connection with Crime No.361/2016 registered at Police Station - Simga, District –Baloda Bazaar (Bhatapara) (C.G.), for offences punishable under Section 279, 353 of the Indian Penal Code and Sections 4, 6, 7, 9, 10, 10 of C.G Krishak Pashu Parikshak Adhiniyam, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted on behalf of the applicant that applicant has been falsely implicated in this case, only on the basis of memorandum statement of the co-accused- Umesh Kumar Dawde, who have given statement that Pillu Masih resident of

Vishrampur and Danu Masish resident of Ganeshpur have helped in transporting the agricultural cattle which has resulted in the commission of offence. The applicant has different identification and different place of residence, even then he is being searched to be arrested, no case is made out against the applicant, therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Learned counsel for the State opposes the bail application and submission made in this respect. It is submitted that the memorandum statement given by the co-accused clearly identifies the applicant as one of the accused person, hence, he is not entitled for grant of anticipatory bail.
4. Heard counsel for both the parties and perused the case diary.
5. Police professional of police station – Simga intercepted the Truck No. C.G.04 J 3892 and arrested the driver of the truck. On searching the truck it was found that 42 numbers of agricultural cattle were found cruelly stuffed inside the cargo area of the truck, out of which 19 animals were found dead. Case was registered, in memorandum statement of accused Umesh Kumar Dawde name of Pillu Masih resident of Ganeshpur was disclosed that he had helped in stuffing the animals in the cargo area of the truck. Chargesheet has been filed in this case and no further investigation is pending and the place of residence of the applicant is mentioned in the application is different from that mentioned by co-accused person.
6. Considering the statement of other witnesses given under Section 161 of Cr.P.C in this case. I am of the opinion that the

case of anticipatory bail is made out in favour of the applicant, hence, the applicant should be enlarged on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

